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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920,736

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Mitsuhiro Shimazu

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06/20/2006

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EXAMINER

HUYNH, BA

ART UNIT

PAPER NUMBER

2179

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,736

Applicant(s)

SHIMAZU ET AL.

Examiner

Ba Huynh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,648,755 (Yagihashi), in view of US patent #5,847,704 (Hartman).

- As for claims 1, 2, 6, 8, 9, 17, 18: Yagihashi teaches a display device having a plurality of indicators (“state indication mark”) for displaying various operational states of a working machine (fig. 6). The appearance of the indicators being depended upon a detected state detected by a sensor arranged in the working machine, and is independent of user input (2:49-3:25. See also explanation of tables 1-4). Figure 6C show the enlarged indicators 701 and 711 responsive to a state change (thus the 701 and 711 of figure 6C are now act as state change indication marks). In normal state, the indicators are displayed as in figure 6A. When a state change is detected, predetermined indicators are minimized (“make unindicative”: not make to indicate) while others are enlarged (“make indicative”: make to indicate) as seen figure 6A-C (7:8-62; see also tables 1-4). Yagihashi fails to clearly teach that the “made indicative” indicators are displayed at the pre-determined location replacing the made “unindicative” indicators. However, in the same field of vehicle instrument

display, Hartman teaches the displaying of enlarged made “indicative” marks replacing the made “unindicative” marks, and the made “unindicative” marks are no longer be viewed on the display. In Hartman, the made “unindicative” marks 40-48 of figure 3 are replaced by the made “indicative” marks 64-76 of figure 2 and can no longer be viewed on the display. Additionally, the made “unindicative” marks 68, 74, 76 of figure 2 are replaced by the made “indicative” marks 40-48 and 84 of figure 3 and can no longer be viewed on the display. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Hartman’s displaying of the enlarged made “indicative” marks replacing the made “unindicative” marks, and the made “unindicative” marks are no longer be viewed on the display to Yagihashi. Motivation of the combining is to reduce screen clustering, and to further increase the size of the state change indicators with the trade-off of information provide by the removed indicators.

- As for claims 3, 10: The “made indicative” indicator is displayed at the position given a highest priority and the one of lowest priority is removed from the display. The display of the indicators can be ordered according to the priority hierarchy (1:13-20). Thus before the rearranging, it appears that the “made indicative” indicator is displayed at the position of the one that has lowest priority. Even if it is not, it would have been obvious to one of skill in the art, at the time the invention was made, to implement the displaying of the “made indicative” indicator at the position of the one that has lowest priority. Motivation of the implementation is for preserving processing time from re-arrangement of the indicators.

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- As for claims 4, 11: The vehicle includes multiple running and working sub-systems. The indicators indicate the running/working states of the sub-systems. Some of the indicators 707, 708, 709... remain unchanged (figs 1, 6).
- As for claims 5, 12: The state change indication marks correspond to the state indication marks, i.e., each indicator indicates a corresponding state change.
- As for claims 13-16: Tables 1-4 shows some indicators are enlarged while others are reduced in scale. See also figure 6.

Response to Arguments

Applicant's arguments filed 4/17/06 have been fully considered but they are not persuasive.

REMARKS:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As set forth in the rejection, Yagihashi discloses that the indicators are displayed responsive to detected operational state of the vehicle, independent of the user's input (2:49-3:25. See also explanation of tables 1-4). Hartman is combined to Yagihashi for its teaching that the "made indicative" indicators are displayed at the predetermined location replacing the "made unindicative" indicators, and the "made unindicative" indicators are no longer viewable on the display, such as indicators 64-76 with indicators 68, 74 and 76 in particular. Thus the combined Yagihashi & Hartman teach the

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displaying of indicators responsive to detected state of vehicle, independent from user input.

Indicators associated with the detected state is displayed with magnification replacing indicators not needed for the particular state.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner
AU 2179
6/13/06

BA HUYNH
PRIMARY EXAMINER